Attorney Docket No.

028754-039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Douglas D. Ross et al.

Application No.: 09/961,086

Filing Date: .

September 21, 2001

Group Art Unit: 1642

Examiner: SUSAN NMN UNGAR

Confirmation No.: 6592

Title: BREAST CANCER RESISTANCE PROTEIN (BCRP) AND THE DNA WHICH ENCODES IT

FOURTH INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:				
РТО		FOURTH ove-identified pater		ement and accompanying form
	☐ The fee of ☐ A statemer ☐ A statemer § 1.17(p) a ☐ Charge ☐ A check in ☐ Charge ☐ The Director is	\$180.00 (1806) as at under 37 C.F.R. § at under 37 C.F.R. § re also enclosed to Depote the amount of to create the creby authorized to uired by this paper,	it Account No. 02-4800 for the is enclosed for the foit card. Form PTO-2038 is at charge any appropriate fees	00 (1806) as set forth in 37 C.F.R. e fee due. ee due.
			Respectfully sub	mitted,
			BURNS, DOANE	E, SWECKER & MATHIS, L.L.P.
Alex	. Box 1404 andria, Virginia :) 836-6620	22313-1404	By Walcolm K.	holk M. Jam McGowan, Ph.D.
Date	: September 3.	2004	Registration	n No. 39,300

Date: September 3, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 0 3 2004

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FOURTH INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed, along with a copy of the International Search Report issued in the corresponding PCT application (PCT/US99/02577).

Copies of these references were previously cited in an Information Disclosure Statement filed with the application on September 21, 2001. These references were apparently separated from the application papers and lost and so they are now being resubmitted in response to the Examiner's request.

It is not believed that a fee is due in connection with this filing. However, if any fees are due, authorization is given to charge our Deposit Account No. 02-4800.

FOURTH Information Disclosure Statement Application No. 09/961,086
Attorney's Docket No. 028754-039
Page 2

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date September 3, 2004

Registration No. 39,300

P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620 028754-039

NON-PROVISIONAL UTILITY PATENT APPLICATION TRANSMITTAL - 37 CFR 1.53(b)

[] Duplicate (check, if applicable)

Assistant Commissioner for Patents **BOX PATENT APPLICATION**

Washington, DC 20231 SEP 0 3 2004

OIP Attorney Docket No. 10312-7 (053836-5001) First Named Inventor: Ross

Express Mail Label No. EL719362045US

Total Pages of Transmittal Form: 2

Transmitted herewith for filing is the non-provisional utility patent application entitled: BREAST CANCER RESISTANCE PROTEIN (BCRP) AND THE DNA WHICH **ENCODES IT**

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a	[]		nuation, [X] Divisional, or [] Continuation-in-part (CIP)
			r Application No. <u>09/245,808</u> filed <u>FEBRUARY 5, 1999</u> .
		Anticip	pated Group/Art Unit: or Class, Subclass
[]	•	This no	on-provisional patent application is based on Provisional Patent Application No
			, filed
Enc	los	ed are:	
		[X]	Specification (including Abstract) and claims: 53 pages.
		[]	Application Data Sheet.
		[]	Newly executed/unexecuted Declaration (original/copy).
		[X]	Copy of Declaration from prior application.
		[]	Separate Power of Attorney (including 37 CFR 3.73(b) statement, if applicable).
		[22]	sheets of drawings (formal) plus one copy.
		[]	Microfiche computer program (Appendix).
		[X]	Nucleotide and/or Amino Acid Sequence Submission, including:
			[X] Computer readable copy [X] Paper Copy [X] Verified
Sta	tem	ent.	
		[]	Under PTO-1595 Cover Sheet, an assignment of the invention
		[X]	Name of Assignee: University of Maryland Baltimore
		[]	Certified copy(ies) of Application No(s) filed is/are filed:
			[] herewith or [] in prior application &@.
		[X]	Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under
			37 C.F.R. §1.27 as [] an Independent Inventor, or [] a Small Business Concern,
			or [X] a Non-Profit Organization.
		[X]	Preliminary Amendment.
		[X]	Information Disclosure Statement and PTO-1449.
		[]	Request for Nonpublication of Application Under 35 U.S. C \$122(b)
		[]	Other:

The filing fee is calculated as follows:

			SMALI	ENTITY		LARGI	EENTITY
CLAIMS	NO. FILED	NO. EXTRA		C FEE: 355			IC FEE: 5710
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[] Multiple D	l ependent Claim	s Present	\$135	\$	OR	\$270	\$
			TOTAL	\$ 355.00	OR	TOTAL	\$

- The Commissioner is not authorized to charge the filing fee at this time as we elect to defer payment of the entire filing fee until receipt of a Notice to File Missing Parts.
- [X] A check in the amount of \$355.00 to cover the filing fee is enclosed.
- [X] The Commissioner is hereby authorized to charge and/or credit **Deposit Account**No. 50-0310 (Billing No. 503836-5001) as noted below. A duplicate copy of this sheet is enclosed.
 - [X] Any overpayments or deficiencies in the above-calculated fee.
 - Filing fee in the amount of \$_____ as calculated above.

ROSS, et al.

- [X] Any additional fees required under 37 C.F.R. § 1.16 and § 1.17.
- [X] In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

CORRESPONDENCE ADDRESS:

Septem 644 [1, 200]
(Date)

By:

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Attorney for Applicants

[X] Customer Number or Bar Code Label: 028977

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Patent Application of

Ross

Appln. No.:

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For:

BREAST CANCER RESISTANCE

PROTEIN (BCRP) AND THE DNA

ENCODES IT

: Group Art Unit Not Yet Assigned

: Examiner: Not Yet Assigned

: Attorney Docket

: No. 53836-5001

INFORMATION DISCLOSURE STATEMENT

It is requested that the enclosed reference(s) listed on the attached Information Disclosure Citation Form PTO-1449 be considered by the Patent Examiner in connection with the above-identified application and be made of record therein.

Independent consideration and acknowledgment of the enclosed reference(s) are respectfully requested.

Respectfully submitted,

ROSS, et al.

By:

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Attorney for Applicants

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FORM PTO 1449 INFORMATION DISCLOSURE STATEMENT

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U.S. PATENT DOCUMENTS

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EXAMINER INTTIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
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EXAMINER

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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2)			Multidrug Resistance-associated Protein Gene Overexpression and Reduced Drug
SEP 0 3 2004			Sensitivity of Topoisomerase II in a Human Breast Carcinoma MCF7 Cell Line Selected
3 2004	AD	<u>1</u> .	for Etoposide Resistance, Erasmus Schneider, Julie K. Horton, Chih-Hsin Yang, Masayuki
Ø		-	Nakagawa, and Kenneth H. Cowan, Cancer Research, Vol. 54, pp. 152-158, January 1,
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	l		Human Brest Cancer Cells, Craig R. Fairchild, S. Percy Ivy, Chien-Song Kao-Shan,
	AE:	1.	Jacqueline Whang-Peng, Neal Rosen, Mark A. Israel, Peter W. Melera, Kenneth H.
		_	Cowan, And Merrill E. Goldsmith, Cancer Research, Vol 47, pp. 5141-5148, October 1,
	1		1987.
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1	1	Ì	Line I (EPP85-181RDB) by Introduction of a Hammerhead Ribzyme, P.S. Holm, K.J.
	AF		Scanlon, and M. Dietel.
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		-	General Method, Cell, Vol. 25, pp. 693-704, September 1981.
	AI	1	Studies on the Mechanism of Fatty Acid Synthesis, E.L. Pugh and Salih J. Wakil, The
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		-	Murphy, Robert Levis and Gerald M. Rubin, J. Mol.Bol. Vol. 180, pp. 437-455.
	AK	1	Camptothecin Resistance: Role of the ATP-binding Cassette (ABC), Mitoxantrone-
			resistance Half Transporter (MXR), and Potential for Glucuronidation in MXR-expressing
			Cells, Cancer Research, Vol. 59, pp. 5938-5946, December 1, 1999
	AL	1	Cellular Resistance to Actinomycin D in Chinese Hamster Cells in Vitro: Cross
			Resistance, Radioautographic and Cytogenetic Studies, June L. Biedler and Hansjorg
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			Human Breast Cancer Cells, Craig R. Fairchild, S. Percy Ivy, Chien-Song Kao-Shan,
	İ	1	Jacqueline Whang-Peng, Neal Rosen, Mark A. Israel, Peter W. Melera, Kenneth H.
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	AN	1	Multidrug Resistance in Mitoxantrone-selected HL-60 Leukemia Cells in the Absence of
			P-Glycoprotein Overexpression, W. Grzydon Harker, D. Lynn Slade, William S. Dalton,
			Paul S. Meltzer and Jeffrey M. Trent, Cancer Research, Vol. 49, pp. 4542-4549, August
1		1	15, 1989.
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INFORMATION DISCLOSURE STATEMENT					10460-7 (53836-5	001)	Not Yet Assigned			
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			82, No.	13, July 1	4, 1990					
	-	<u> </u>	Derivat	ion of Spe	cific Antibody-Produ	icing Tissue C	ulture and Turnor	ines By Cell		
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